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## ITALIAN CODE

only for the calling of the witnesses, but for documents. If a witness has given testimony before a magistrate, he may under certain conditions (as for example the consent of the parties) not be called to give oral testimony in the higher court; but his testimony may be read. A great deal of time is lost during trials in the higher courts because of the production of witnesses in respect to whom cross-examination is inadvisable or unnecessary. R. F.

**Crimes and Punishments in the New Election Law of Italy.**—An article by Gaetano D. Amelio in *La Scuola Positiva*, October, 1912, on crimes, punishments and disabilities in the new election law. The new election law of the 26th of June, 1913, is the outcome of the old law of 1905. The main feature of the reform caused by the new law is the much larger participation of citizens in the political suffrage.

Crimes against the electoral franchise were for long considered trifling. But the new code views them with a stern eye and punishes them with long sentences. Pardon is no longer allowed for such crimes. The statute of limitations has been amended and the time within which an action may be begun has been extended.

The law claims to guarantee the purity of the vote. Any citizen may instigate an action against a violator of the law. There has been a great deal of discussion as to whether this means that anyone may carry on an action. But the author maintains that to instigate an action is the function under the new law of a private person, and to institute and carry it on is the function of the public prosecutor.

Crimes may be committed at any one of three stages: that of preparation for voting; second, that of voting; and third, that of making the vote effective. The punishment of an election officer who violates his oath is graver than that visited upon one who is not. The conditional sentence is not available to an officer, and pardon is not obtainable. R. F.

**Coercion by Ministers of Religion in the Italian Code.**—An interesting provision in the code is that pertaining to coercion by ministers of religion. Church and State are separate in Italy, but action between them is not always harmonious. Ministers of religion are prohibited from talking on political matters in places of religious worship, and at meetings of a religious character. The phrase, meetings of a religious character, was a stumbling block, but after explanation by Minister Sonnino, it was left in the law intact. It means "meetings called and held in the exercise of religion, that is, meetings to which those who are there have been invited to do acts of religion."

Among those who are deprived of the right of voting are the following: Persons convicted of idleness, vagabonds, and begging. These have, under the new code, become permanently, instead of only temporarily, as under the old code, disfranchised. Persons guilty of fraud, misappropriation, breach of trust, theft, conspiracy. The new code, contrary to the old one, enumerates all the crimes for the commission of which disfranchisement follows. And only for these may the right to vote be taken away. R. F.

**Defamation in the Italian Penal Code.**—There is a very interesting decision on page 935 (*La Scuola Positiva*, October, 1912.) based on Article 391 of the penal code relating to defamation. The reader will note that the essential elements of criminal libel are the same as in England and America. The